

# EXHIBIT 3

**From:** [Casey, Kevin R.](#)  
**To:** [Todd Zenger](#)  
**Cc:** [Kingsley, Patrick](#); [Kats, Samantha](#); [mseiberling@kleinbard.com](mailto:mseiberling@kleinbard.com)  
**Subject:** RE: Bounts v. Connectify, request for one-hour extension of time  
**Date:** Tuesday, October 10, 2023 10:20:29 AM  
**Attachments:** [image003.png](#)

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Todd,

On the contrary, Connectify's response is justified under the circumstances -- especially given two extensions despite your having forced Connectify to refile its letter motion for sanctions on the highly technical and questionable ground (courts differ) that it was not stylized as a motion despite identical substance.

We also disagree that our client's permission to consent is not needed.

When you seek the extension by motion, please be sure to note for the court the fact that Connectify readily agreed to Bounts' two requests for extensions of time. Otherwise, we'll have to point that out in a response.

Kevin

[bio](#) | [vcard](#) | [email](#) | [map](#) | [website](#)

**Kevin R. Casey**

Chair, Intellectual Property Group  
Co-Chair, IP Litigation and ADR Groups  
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**From:** Todd Zenger <[tzenger@durenip.com](mailto:tzenger@durenip.com)>  
**Sent:** Monday, October 9, 2023 5:16 PM  
**To:** Casey, Kevin R. <[KCasey@STRADLEY.COM](mailto:KCasey@STRADLEY.COM)>  
**Cc:** Kingsley, Patrick <[PKingsley@STRADLEY.COM](mailto:PKingsley@STRADLEY.COM)>; Kats, Samantha <[skats@stradley.com](mailto:skats@stradley.com)>; [mseiberling@kleinbard.com](mailto:mseiberling@kleinbard.com)  
**Subject:** RE: Bounts v. Connectify, request for one-hour extension of time

Kevin –

This response of Connectify is unreasonable under the circumstances.

You do not need the client's permission to so consent.

Please confirm your consent.

If not, I will seek the extension by motion.

*Todd E. Zenger*

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**From:** Casey, Kevin R. <[KCasey@STRADLEY.COM](mailto:KCasey@STRADLEY.COM)>  
**Sent:** Monday, October 9, 2023 2:51 PM  
**To:** Todd Zenger <[tzenger@durenip.com](mailto:tzenger@durenip.com)>  
**Cc:** Kingsley, Patrick <[PKingsley@STRADLEY.COM](mailto:PKingsley@STRADLEY.COM)>; Kats, Samantha <[skats@stradley.com](mailto:skats@stradley.com)>;  
[mseiberling@kleinbard.com](mailto:mseiberling@kleinbard.com)  
**Subject:** RE: Bounts v. Connectify, request for one-hour extension of time

Hi, Todd,

We cannot consent. Connectify's response follows: "We gave a 7 day extension and then a 3 day extension, after that extension when he failed to serve us on time. We did our part."

Regards,  
Kevin

[bio](#) | [vcard](#) | [email](#) | [map](#) | [website](#)

**Kevin R. Casey**

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**From:** Todd Zenger <[tzenger@durenip.com](mailto:tzenger@durenip.com)>  
**Sent:** Thursday, October 5, 2023 5:12 PM  
**To:** Casey, Kevin R. <[KCasey@STRADLEY.COM](mailto:KCasey@STRADLEY.COM)>  
**Subject:** Bounts v. Connectify, request for one-hour extension of time

**External Email - Think Before You Click**

Kevin –

To my dismay, I realized for the first time upon receiving Connectify's motion to strike the Second Amended Complaint, that Bounts' response to ECF 18 was filed 52 minutes after September 27, 2023 eastern time. I thought my filing was timely.

Upon review, I discovered what happened. I had inadvertently docketed the response deadline based on central time, not eastern time. As a result, at the time of filing I wholly believed my filing was timely. My human error.

Please excuse this inadvertent docketing error and consent to the less than one-hour tardy filing of response ECF 27.

*Todd E. Zenger*

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